

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 L-03 CA-01 JUSE-00 CIAE-00 DODE-00  
INR-10 NSAE-00 PA-01 ICA-11 SP-02 SS-15 NSC-05  
CPR-03 TRSE-00 /064 W  
-----121517 181358Z /47  
R 171417Z AUG 78  
FM AMEMBASSY BERLIN  
TO SECSTATE WASHDC 7995

LIMITED OFFICIAL USE BERLIN 05369

E.O.11652: N/A  
TAGS: CGEN, GE, US  
SUBJECT: SERVICE OF PROCESS ON THE GDR

REFS: (A) BERLIN 5326, (B) STATE A-2474,  
(C) STATE 203851

1. MFA US DESK OFFICER ELM CALLED EMBOFF TO FONMIN ON AUGUST 16. ELM, WHO WAS ACCOMPANIED BY A MEMBER OF MFA LEGAL STAFF, AMB. ULBRICHT, STATED HE HAD CONSULTED MFA LEGAL EXPERTS AND THAT THE MFA HAD DECIDED TO RETURN NOTE WITH SUMMONS AND COMPLAINT DELIVERED AUGUST 15 (REF A). ELM SAID MFA FELT IT MUST RETURN NOTE FOR JURIDICAL REASONS. THE GDR, HE SAID, AS A SOVEREIGN STATE, IS NOT UNDER THE JURISDICTION OF THE COURT OF ANOTHER STATE. HE INFERRED THAT BY ACCEPTING SUMMONS GDR MIGHT BE COMPROMISING ITS POSITION ON JURISDICTION OF THE COURT. ELM ALSO DISPUTED THE ASSERTION MADE BY THE JUDGE IN THE CASE THAT THE PROPERTY IN QUESTION WAS USED FOR COMMERCIAL PURPOSES.

2. ELM WAS PARTICULARLY CAREFUL TO STRESS THAT THE REASONS FOR RETURNING THE SUMMONS WERE PURELY  
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JURIDICAL AND NOT POLITICAL IN CHARACTER. ELM CONCLUDED BY ASKING THAT THE STATE DEPARTMENT USE ITS INFLUENCE TO HAVE THE LEGAL ISSUE SATISFACTORILY RESOLVED.

3. EMBOFF ACCEPTED RETURN OF THE NOTE AND SAID HE WOULD REPORT ELM'S REMARKS.

4. PLEASE ADVISE ON DISPOSITION OF SUMMONS AND  
COMPLAINT. BOLEN

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 17 aug 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1978BERLIN05369  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D780338-0334  
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**Litigation Codes:**  
**Litigation History:**  
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**Office:** ACTION EUR  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
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**Reference:** 78 BERLIN 5326, 78 STATE A-2474, 78 STATE 203851  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
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**Review Event:**  
**Review Exemptions:** n/a  
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**Review Release Date:** N/A  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
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**Status:** NATIVE  
**Subject:** SERVICE OF PROCESS ON THE GDR  
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**To:** STATE  
**Type:** TE  
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**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014